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What are You Thinking?

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“What are you thinking?” New Edinburgh Study.

What is brain imaging? Functional magnetic resonance imaging is an evolving area for neuroscientists and psychologists; but one which has not really attracted the wide attention of lawyers and commercialisation teams. But perhaps it should....



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Can brain imaging assist in predicting future behaviour - is this relevant to insurance? Can brain imaging suggest that there was no choice available to an individual when they undertook a criminal act – is this relevant to the necessary mental element for there to be an offence? To sentencing? Or should it be irrelevant... How does this relate to arguments for personal responsibility and development? Are law students, juries and business persons properly trained to evaluate data and its impact on their practice, lives and business?

Underpinning these questions lies, of course, technology. If a patent is obtained for key technology, could this lead to control of the results? How effective is software which evaluates results – and what if the owner of the copyright declines to make it widely available? Should patents be granted for such

technologies? What data protection and privacy issues arise in relation to the results of brain imaging – including data which had not been the aim of the scan? Is this taken account in developing business models and licensing practices? Some guidance was set out in the United States in 2004 by the President's Council on Bioethics, but the issue has not been approached in detail in the UK - and should all these matters be approached the same way in all countries in any event?

An initial exploration of some of these issues took place at a multidisciplinary and international workshop held in Edinburgh in December 2009 under the umbrella of the Information Technology Think Tank, supported by the AHRC/SCRIPT Centre for Law and Technology at the University of Edinburgh. Building on this, research funding was awarded in 2010 by the Institute for Advanced Studies to investigate "What are You Thinking? Who has the Right to Know? Brain Imaging and its Impact on Society". The research team includes the University of Edinburgh (amongst others, Burkhard Schafer and Dr Abbe Brown (Law) and Professor Joanna Wardlaw and Dr Janet De Wilde(Neuroscience)) and the Futures Forum of the Scottish Parliament. Meetings will be held involving scientists, lawyers, religious leaders and other groups, with a view to determining wider challenges and possible policy objectives.

Further details are available here

<http://www.instituteforadvancedstudies.org.uk/NewsFeatures/Announcements.aspx> and updates will be posted on the website of the AHRC/SCRIPT Centre

<http://www.law.ed.ac.uk/ahrc/research/itforesightforum/>, as well as elsewhere. If you would like further information about this project, particularly if you are working in technology development and transfer in relation to brain imaging, please contact Burkhard Schafer (B.Schafer@ed.ac.uk) or Dr Abbe Brown (abbe.brown@ed.ac.uk) at the AHRC/SCRIPT Centre at the University of Edinburgh.

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